104-10406-10387

LOUIS STOKES, OHIO, CHAIRMAN
RICHARDSON PREYER, N.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. FITHIAN, IND.
ROBERT W. EDGAR, PA.
SAMUEL L. [illegible], OHIO
STEWART B. [illegible]INNEY, CONN.
CHARLES THONE, NEBR.
HAROLD S. SAWYER, MICH.

(202) 225-4624

Select Committee on Assassinations
U.S. House of Representatives
3300 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

HSCA
-0001/6
C

JFK ACT
12-29-98
RELEASE

January 2, 1979

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF CIA INFORMATION
IN THIS DOCUMENT

CIA HISTORICAL REVIEW PROGRAM
RELEASE IN FULL 1998

Scott Breckinridge
Office of Legislative Counsel
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Breckinridge:

Enclosed for your records is a copy of the Summary of Findings and Recommendations filed by the Committee with the Clerk of the House on January 2, 1979.

As the Chairman's letter (page 3) indicates, the editing of the Final Report, in a fashion suitable for publication and declassification, continues. I am hopeful that we will be able to file it with the Clerk of the House before March 30, 1979.

Sincerely,

G. Robert Blakey

G. Robert Blakey
Chief Counsel and Director

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF CIA INFORMATION
IN THIS DOCUMENT

GRB:dm

Enclosure

FINAL REPORT

of the

SELECT COMMITTEE ON ASSASSINATIONS

U.S. HOUSE OF REPRESENTATIVES

Ninety-Fifth Congress

Second Session

SUMMARY OF

FINDINGS AND RECOMMENDATIONS

December 29, 1978

SELECT COMMITTEE ON ASSASSINATIONS

LOUIS STOKES, Ohio, *Chairman*

RICHARDSON PREYER, North Carolina
WALTER E. FAUNTROY, District of Columbia
YVONNE BRATHWAITE BURKE, California
CHRISTOPHER J. DODD, Connecticut
HAROLD E. FORD, Tennessee
FLOYD J. FITHIAN, Indiana
ROBERT W. EDGAR, Pennsylvania

SAMUEL L. DEVINE, Ohio
STEWART B. McKINNEY, Connecticut
CHARLES THONE, Nebraska
HAROLD S. SAWYER, Michigan

Subcommittee on the Assassination of Martin Luther King, Jr.

WALTER E. FAUNTROY, *Chairman*
HAROLD E. FORD
FLOYD J. FITHIAN
ROBERT W. EDGAR
STEWART B. McKINNEY
LOUIS STOKES, ex officio
SAMUEL L. DEVINE, ex officio

Subcommittee on the Assassination of John F. Kennedy

RICHARDSON PREYER, *Chairman*
YVONNE BRATHWAITE BURKE
CHRISTOPHER J. DODD
CHARLES THONE
HAROLD S. SAWYER
LOUIS STOKES, ex officio
SAMUEL L. DEVINE, ex officio

G. Robert Blakey
Chief Counsel and Director

U. S. House of Representatives
Select Committee on Assassinations
Washington, D.C., December 29, 197

Hon. Edmond L. Henshaw, Jr.
Clerk of the House
U. S. Capitol
Room H105
Washington, D.C. 20515

Dear Mr. Henshaw:

On behalf of the Select Committee on Assassinations, and pursuant to the mandate of House Resolutions 222 and 433, I am filing for presentation to the House of Representatives the enclosed Summary of Findings and Recommendations of the Select Committee on Assassinations.

As has been agreed upon with the Speaker of the House, the Committee is filing this Summary of Findings and Recommendations while the preparation of the complete volumes of its Final Report continues under your auspices. The complete Final Report will include Volume I, the Findings and Recommendations of the Select Committee with an analysis of the evidence concerning each finding and recommendation; and Volumes II and sequential volumes, which will contain the Committee's hearings, scientific reports, and other materials pertinent to the Committee's investigation. These volumes will be presented to the House as soon as they can be suitably prepared for publication, including, where appropriat the declassification of classified information. It is anticipated that the entire Final Report will be published by March 30, 1979.

Sincerely,

Louis Stokes
Chairman

TABLE OF CONTENTS

I. Findings of the Select Committee on Assassinations in the Assassination of President John F. Kennedy.....5

II. Findings of the Select Committee on Assassinations in the Assassination of Dr. Martin Luther King, Jr.....10

III. Recommendations of the Select Committee on Assassinations.....12

I. Findings of the Select Committee on Assassinations in the Assassination of President John F. Kennedy in Dallas, Texas, November 22, 1963

A. Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots he fired struck the President. The third shot he fired killed the President.

1. President Kennedy was struck by two rifle shots fired from behind him.

2. The shots that struck President Kennedy from behind him were fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.

3. Lee Harvey Oswald owned the rifle that was used to fire the shots from the sixth floor window of the southeast corner of the Texas School Book Depository building.

4. Lee Harvey Oswald, shortly before the assassination, had access to and was present on the sixth floor of the Texas School Book Depository building.

5. Lee Harvey Oswald's other actions tend to support the conclusion that he assassinated President Kennedy.

B. Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President. Scientific evidence negates some specific conspiracy allegations.

C. The Committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The Committee is unable to identify the other gunman or the extent of the conspiracy.

1. The Committee believes, on the basis of the evidence available to it, that the Soviet Government was not involved in the assassination of President Kennedy.

2. The Committee believes, on the basis of the evidence available to it, that the Cuban Government was not involved in the assassination of President Kennedy.

3. The Committee believes, on the basis of the evidence available to it, that anti-Castro Cuban groups, as groups, were not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

4. The Committee believes, on the basis of the evidence available to it, that the national syndicate of organized crime, as a group, was not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

5. The Secret Service, Federal Bureau of Investigation and Central Intelligence Agency were not involved in the assassination of President Kennedy.

D. Agencies and departments of the United States Government performed with varying degrees of competency in the fulfillment of their duties. President John F. Kennedy did not receive adequate protection. A thorough and reliable investigation into the responsibility of Lee Harvey Oswald for the assassination of President John F. Kennedy was conducted. The investigation into the possibility of conspiracy in the assassination was inadequate. The conclusions of the investigations were arrived at in good faith, but presented in a fashion that was too definitive.

1. The Secret Service was deficient in the performance of its duties.

   (a) The Secret Service possessed information that was not properly analyzed, investigated or used by the Secret Service in connection with the President's trip to Dallas; in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.

   (b) The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.

2. The Department of Justice failed to exercise initiative in supervising and directing the investigation by the Federal Bureau of Investigation of the assassination.

3. The Federal Bureau of Investigation performed with varying degrees of competency in the fulfillment of its duties.

   (a) The Federal Bureau of Investigation adequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency.

   (b) The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

   (c) The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President.

   (d) The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments.

4. The Central Intelligence Agency was deficient in its collection and sharing of information both prior to and subsequent to the assassination.

5. The Warren Commission performed with varying degrees of competency in the fulfillment of its duties.

   (a) The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination

(b) The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the government.

(c) The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith.

(d) The Warren Commission presented the conclusions in its report in a fashion that was too definitive.

II. Findings of The Select Committee on Assassinations in the Assassination of Dr. Martin Luther King, Jr. in Memphis, Tenn., April 4, 1968.

A. James Earl Ray fired one shot at Dr. Martin Luther King, Jr. The shot killed Dr. King.

1. Dr. King was killed by one rifle shot fired from in front of him.

2. The shot that killed Dr. King was fired from the bathroom window at the rear of a rooming house at 422 1/2 South Main Street, Memphis, Tenn.

3. James Earl Ray purchased the rifle that was used to shoot Dr. King and transported it from Birmingham, Ala. to Memphis, Tenn., where he rented a room at 422 1/2 South Main Street, and moments after the assassination, he dropped it near 424 South Main Street.

4. It is highly probable that James Earl Ray stalked Dr. King for a period immediately preceding the assassination.

5. James Earl Ray fled the scene of the crime immediately after the assassination.

6. James Earl Ray's alibi for the time of the assassination, his story of "Raoul", and other allegedly exculpatory evidence are not worthy of belief.

7. James Earl Ray knowingly, intelligently, and voluntarily pleaded guilty to the first degree murder of Dr. King.

B. The Committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Dr. Martin Luther King as a result of a conspiracy.

C. The Committee believes, on the basis of the evidence available to it, that no private organizations or individuals, other than those discussed under Section B, were involved in the assassination of Dr. King.

D. No federal, state or local government agency was involved in the assassination of Dr. King.

E. The Department of Justice and the Federal Bureau of Investigation performed with varying degrees of competency and legality in the fulfillment of their duties.

1. The Department of Justice failed to supervise adequately the Domestic Intelligence Division of the Federal Bureau of Investigation. In addition, the Federal Bureau of Investigation, in the Domestic Intelligence Division's COINTELPRO campaign against Dr. King, grossly abused and exceeded its legal authority and failed to consider the possibility that actions threatening bodily harm to Dr. King might be encouraged by the program.

2. The Department of Justice and Federal Bureau of Investigation performed a thorough investigation into the responsibility of James Earl Ray for the assassination of Dr. King, and conducted a thorough fugitive investigation, but failed to investigate adequately the possibility of conspiracy in the assassination. The Federal Bureau of Investigation manifested a lack of concern for constitutional rights in the manner in which it conducted parts of the investigation.

III. Recommendations of the Select Committee on Assassinations

I. Legislative Recommendations on Issues Involving the Prohibition, Prevention and Prosecution of Assassinations and Federally Cognizable Homicides

A. Prohibition and Prevention

1. The Judiciary Committee should process for early consideration by the House legislation that would make the assassination of a Chief of State of any country, or his political equivalent, a federal offense, if the offender is an American citizen or acts on behalf of an American citizen, or if the offender can be located in the United States.

2. The Judiciary Committee should process for early consideration by the House comprehensive legislation that would codify, revise and reform the federal law of homicide, paying special attention to assassinations. The Judiciary Committee should give appropriate attention to the related offenses of conspiracy, attempt, assault and kidnapping in the context of assassinations. Such legislation should be processed independently of the general proposals for the codification, revision or reform of the Federal criminal law. The Committee should address the following issues in considering the legislation:

   (a) Distinguishing between those persons who should receive the protection of federal law because of the official positions they occupy and those persons who should receive protection of federal law only in the performance of their official duties,

   (b) Extending the protection of federal law to persons who occupy high judicial and executive positions, including Justices of the Supreme Court and Cabinet officers,

   (c) The applicability of these laws to private individuals in the exercise of constitutional rights,

   (d) The penalty to be provided for homicide and the related offenses, including the applicability and the constitutionality of the death penalty,

(e) The basis for the exercise of federal jurisdiction, including domestic and extraterritorial reach,

(f) The pre-emption of state jurisdiction without the necessity of any action on the part of the Attorney General where the President is assassinated,

(g) The circumstances under which federal jurisdiction should pre-empt state jurisdiction in other cases,

(h) The power of federal investigative agencies to require autopsies to be performed,

(i) The ability of federal investigative agencies to secure the assistance of other federal or state agencies, including the military, other laws notwithstanding,

(j) The authority to offer rewards to apprehend the perpetrators of the crime,

(k) A requirement of forfeiture of the instrumentalities of the crime,

(l) The condemnation of personal or other effects of historical interest,

(m) The advisability of providing, consistent with the first amendment, legal trust devices to hold for the benefit of victims, their families, or the general treasury, the profits realized from books, movie rights, or public appearances by the perpetrator of the crime, and

(n) The applicability of threat and physical zone of protection legislation to persons under the physical protection of federal investigative or law enforcement agencies.

3. The appropriate Committees of the House should process for early consideration by the House charter legislation for the Central Intelligence Agency and Federal Bureau of Investigation. The Committees should address the following issues in considering the charter legislation:

(a) The proper foreign and domestic intelligence functions of the intelligence and investigative agencies of the United States,

(b) The relationship between the domestic intelligence functions and the interference with the exercise of individual constitutional rights,

(c) The delineation of proper law enforcement functions and techniques including:

(i) the use of informants and electronic surveillance,

(ii) guidelines to circumscribe the use of informants or electroni surveillance to gather intelligenc on, or investigate, groups that may be exercising first amendment freedoms, and

(iii) the proper response of intelligen or investigative agencies where information is developed that an informant has committed a crime.

(d) Guidelines to consider the circumstances, if any, when an investigative agency or a component of that agency should be disqualified from taking an active role in an investigation becau of an appearance of impropriety growi out of a particular intelligence or investigative action,

(e) Definitions of the legislative scope and extent of "sources and methods" and the "informant privilege" as a rationale for the executive branch withholding information in response to Congressional or judicial process or other demand for information,

(f) Institutionalizing efforts to coordinate the gathering, sharing, and analysis of intelligence informa tion,

(g) Insuring those agencies that primari gather intelligence perform their function so as to serve the needs o other agencies that primarily engag in physical protection, and

(h) Implementing mechanisms that would permit interagency tasking of particular functions.

B. Prosecution

1. The Judiciary Committee should consider the impact of the provisions of law dealing with third-party records, bail and speedy trial as it applies to both the investigation and prosecution of federally cognizable homicides.

2. The Judiciary Committee should examine recently passed special prosecutor legislation to determine if its provisions should be modified to extend them to presidential assassinations and the circumstances, if any, under which they should be applicable to other federally cognizable homicides.

II. Administrative Recommendations to the Executive

The Department of Justice should re-examine its contingency plans for the handling of assassinations and federally cognizable homicides in light of the record and findings of the Committee. Such an examination should consider the following issues:

A. Insuring that its response takes full advantage of inter and intraagency task forces and the strike force approach to investigations and prosecutions,

B. Insuring that its response takes full advantage of the advances of science and technology, and determining when it should secure independent panels of scientists to review or perform necessary scientific tasks, or secure qualified independent forensic pathologists to perform a forensic autopsy,

C. Insuring that its fair trial/free press guidelines, consistent with an alleged offender's right to a fair trial, allow information about the facts and circumstances surrounding an assassination promptly be made public, and promptly be corrected when erroneous information is mistakenly released, and

D. Entering at the current time into negotiations with representatives of the media to secure voluntary agreements providing that photographs, audio tapes, television tapes and related matters, made in and around the site of assassinations, be made available to the government by consent immediately following an assassination.

III. General Recommendations for Congressional Investigations

A. The appropriate Committees of the House should consider amending the Rules of the House to provide for a right to appointive counsel in investigative hearings where a witness is unable to provide counsel from private funds.

B. The appropriate Committees of the House should examine the Rules of the House governing the conduct of counsel in legislative and investigative hearings and consider delineating guidelines for professional conduct and ethics, including guidelines to deal with conflicts of interest in the representation of multiple witnesses before a Committee.

C. The Judiciary Committee should examine the adequacy of federal law as it provides for the production of federal and state prisoners before legislative or investigative committees under a writ of habeas corpus ad testificandum.

D. The appropriate Committees of the House should examine and clarify the applicability to Congressional subpoenas of recently enacted legislative restrictions on access to records and other documents.

E. The appropriate Committees of the House should consider legislation that would authorize the establishment of a legislative counsel to conduct litigation on behalf of committees of the House incident to the investigative or legislative activities and confer jurisdiction on the United States District Court for the District of Columbia to hear such lawsuits.

F. The appropriate committees of the House should consider if Rule 11 of the House should be amended, so as to restrict the current access by all Members of the House to the classified information in the possession of any committee.

IV. Recommendations for Further Investigation

A. The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its significance, if any, to the assassination of President Kennedy.

B. The National Institute of Law Enforcement and Criminal Justice of the Department of Justice and the National Science Foundation should make a study of the theory and applicatio of the principles of acoustics to forensic questions, using the materials available in the assassination of President John F. Kennedy as a case study.

C. The Department of Justice should review the Committee's findings and report in the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr., and after completion of the recommended investigation enumerated in Sections A and B, analyze whether further official investigation is warranted in either case. The Department of Justice should report its analysis to the Judiciary Committee.